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Summary record of the 37th meeting
Held at Headquarters, New York, on Monday, 2 November 2015, at 10 a.m.

Chair: Mr. Hilale ..... (Morocco)
later: Ms. Kupradze (Vice-Chair) ..... (Georgia)

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The meeting was called to order at 10.10 a.m.

Agenda item 70: Elimination of racism, racial discrimination, xenophobia and related intolerance

(a) Elimination of racism, racial discrimination, xenophobia and related intolerance (A/70/18 and A/70/321)

(b) Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (A/70/339, A/70/367, A/70/309 and A/70/335)

Agenda item 71: Right of peoples to self-determination (A/70/314 and A/70/330)

1. **Mr. Radcliffe** (Deputy Head of the Office of the United Nations High Commissioner for Human Rights (OHCHR)), introducing the report of the Secretary-General on the programme of activities for the implementation of the International Decade for People of African Descent (A/70/339), said that the first year of the Decade had helped to promote knowledge of and respect for the heritage, culture and contribution of people of African descent. However, the fundamental issues of discrimination in the administration of justice, in particular racial profiling, and equal access to economic, social and cultural rights and effective participation continued to pose challenges. He also drew attention to the report's recommendations.

2. Introducing the report of the Secretary-General on the global call for concrete action for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (A/70/367), he drew attention to its call for Member States to summon the necessary political will to respond more effectively and urgently to increasingly hostile racist and xenophobic attitudes and violence, and its emphasis on the importance of the promotion of intercultural dialogue, tolerance and respect for diversity. The report also encouraged Member States to invite the Working Group of Experts on People of African Descent to carry out country visits and to contribute generously to the implementation of the programme of activities.

3. Lastly, introducing the report of the Secretary-General on the right of peoples to self-determination (A/70/314), he drew attention to the links between self-determination and the enjoyment of human rights, peace and stability and recalled that all States were obliged by the Charter of the United Nations to promote the realization of the right to self-determination.

4. **Ms. Mansouri** (Algeria) said that the international community should reiterate its commitment to the full implementation of the Durban Declaration and Programme of Action. In that connection, her delegation welcomed the publication by OHCHR of a practical guide to developing national action plans against racial discrimination. She asked what contribution OHCHR would make to the implementation of the International Decade for People of African Descent and, in particular, what actions it would take to encourage donors to contribute as a matter of urgency. She also encouraged OHCHR to increase its efforts to promote the right to self-determination, even though no concrete process had yet been established to resolve the situation of the remaining Non-Self-Governing Territories, including Western Sahara, and asked how OHCHR planned to advocate for the mainstreaming of human rights across all peacekeeping missions.

5. **Ms. Mballa Eyenga** (Cameroon) said that the seventieth anniversary of the victory over Nazism provided an opportunity to assess the progress that had been made towards eliminating racism, racial discrimination, xenophobia and related intolerance. It was regrettable that, despite the significant efforts of the United Nations, racially motivated discrimination and violence were increasing around the word, in part as a result of the resurgent activities of associations established on the basis of racist and xenophobic platforms and charters. She encouraged the international community to put an end to the scourge of racism and racial discrimination. In that regard, Cameroon had undertaken various actions to implement the International Convention on the Elimination of All Forms of Racial Discrimination: a law on refugee status had been adopted in 2005 and the Code of Criminal Procedure had entered into force in 2007. In conclusion, she said that combating racism was a prerequisite for the equitable and inclusive implementation of the Sustainable Development Goals.

6. **Mr. Radcliffe** (Deputy Head of the Office of the United Nations High Commissioner for Human Rights (OHCHR)) said that achieving the objectives of the International Decade for People of African Descent

would require significant efforts to challenge negative stereotypes through education. Therefore, many OHCHR activities would focus on using that channel to raise awareness and encourage people to examine their attitudes to people of African descent and other ethnic backgrounds. OHCHR would also maintain a dialogue with Governments with a view to bringing about the necessary policy and legislative changes.

7. While States might apply the right to self-determination somewhat differently, they had universally adopted a number of binding resolutions on the matter, which formed the basis for the work of OHCHR on that issue.

8. **Ms. Fanon Mendès-France** (Chair of the Working Group of Experts on People of African Descent), introducing the report of the Working Group (A/70/309), said that the sixteenth session of the Working Group, in March 2015, had focused on development, which was one of the themes of the Decade. Africans and people of African descent continued to experience socioeconomic, cultural, political and environmental inequality as a result of structural discrimination, which was a product of the slave trade, enslavement and colonialism. Women and youth were particularly vulnerable to the effects of the resulting insecurity.

9. Work to combat underdevelopment and poverty would be futile unless it went hand in hand with efforts to address racial discrimination, which was based on the scientifically, morally and legally unfounded concept of racial and cultural hierarchy. Therefore, States should use the 2030 Agenda for Sustainable Development to measure their progress in the political, economic, social, cultural and environmental development of people of African origin. The susceptibility of the capitalist liberal economy to market forces increased social inequality at the national and international levels. The primary victims were people of African descent, whose economic difficulties were often aggravated by intolerance, xenophobia, Islamophobia, gender discrimination and other forms of discrimination. The Working Group encouraged States to develop activities aimed at establishing true equality and to ensure that people of African origin participated in that process. The recognition of people of African descent was an integral element of the development issue. The full list of recommendations made by the Working Group to the Human Rights Council was contained in its report A/HRC/30/56.

10. The Working Group had carried out a country visit to Italy earlier in 2015 and would visit Guyana before the end the year. She thanked Member States for their invitations and urged those approached by the Working Group to confirm dates for visits as far in advance as possible. The Working Group had recently decided to improve the coherence and effectiveness of its country visits through follow-up visits to assess the impact of its recommendations or determine the reasons for any failure to implement them. In that connection, it would visit the United States of America in January 2016 to follow up on its 2010 visit. The Working Group had received information from States in response to its letters of allegation and urgent appeals; however, such communication was rarely followed by decisions bringing meaningful change to human rights situations.

11. The International Decade for People of African Descent had the potential to bring radical change to the lives of millions of people, provided that all concerned actors worked to implement its programme of activities. The effective, inclusive and dynamic involvement of negatively stereotyped populations, Member States and civil society would be required in order to heal the wounds of the past. In the course of the first 11 months of the Decade, the Working Group had highlighted the importance of the issues identified in the programme of activities, considered ways to ensure that activities would effectively put an end to the racialization of social relations, and proposed a methodological consideration of ways to bring about significant change across the thematic areas of the Decade: recognition, justice and development. Civil society and people of African descent were beginning to develop programmes and actions on issues such as reparation, legislative change and human rights training. However, increased financial and political support from States was essential in order to ensure that those activities were properly coordinated and their conclusions utilized by Governments to effect the necessary changes.

12. The Decade should give a voice to millions of people who had for too long been ignored, which would in turn break down the walls that separated people from one another on the basis of racial phenotypes, religion, geographic or social origin, Afrophobia and what some civil society organizations

referred to as "negrophobia". The programme of activities was firmly anchored in the Durban Declaration and Programme of Action, which included a strong statement by States on the power differentials that plagued international and regional relations and social relations in every society. A peaceful and secure world could not be achieved without the deconstruction of the racialization paradigm. States must demonstrate strong political will to overcome the considerable challenges and develop recognition and restoration policies centred on equality rather than identity, with a view to creating a society where people did not think of others in terms of racial categories. In that connection, it should be noted that only people of African descent and Africans were subject to discrimination on the basis of the colour of their skin.

13. The Working Group remained committed to full cooperation in the implementation of the Decade and stood ready to work with other mechanisms mandated to monitor the implementation of the Durban Declaration and Programme of Action as well as the Committee on the Elimination of Racial Discrimination and all other special procedures. The Working Group hoped that the current session of the General Assembly would provide clarification with regard to the establishment of a group on the Universal Declaration of Human rights for people of African descent. The Working Group also hoped that the current session of the General Assembly would make the Forum for People of African Descent permanent, given that it would not be possible to implement all of the aims of the Decade within ten years.

14. States should make the most of civil society's front-line knowledge in order to strengthen partnerships and develop joint projects. Without the essential contribution of civil society and non-governmental organizations, work to combat racialization, racial discrimination, xenophobia, Afrophobia, Islamophobia and related intolerance would remain invisible, as the nuances were often lost under the blanket term "racism". Success was also dependent on all actors working together at the national, regional and international levels to ensure that the Decade successfully addressed the racialization paradigm.

15. **Ms. Moutchou** (Morocco) said that the fiftieth anniversary of the International Convention on the Elimination of All Forms of Racial Discrimination and the launch of the Decade highlighted the centrality of the Convention and the importance of the role of the Committee on the Elimination of Racial Discrimination in the protection of the rights of persons of African descent.

16. Poverty was both a cause and a consequence of discrimination. Therefore, development must not be viewed from the economic perspective alone: political, social, cultural and environmental factors must also be taken into account. People of African descent in many countries experienced racism, in particular in the workplace and on the employment market. Addressing that issue meant ensuring that people of African descent had access to justice and were fully able to enjoy their economic, social and cultural rights, including the right to development.

17. Morocco supported initiatives by the United Nations, international financial institutions and international development organizations to better monitor the situation of persons of African descent. In that context, the guidance note of the Secretary-General on racial discrimination and protection of minorities should be fully implemented by the entire United Nations system. Her delegation underscored the important role of civil society coalitions, which could share good practices, knowledge and statistical data to complement work by States.

18. **Mr. de Bustamante** (Observer for the European Union) said that human rights applied to all individuals and that all victims of racism deserved the same attention, regardless of their descent. He underscored that the Decade could not be a success unless all States took ownership of it and were fully engaged in the implementation of its programme of activities.

19. Given that no country was immune to racism or xenophobia, he would be interested to hear the views of the Chair of the Working Group on the breadth of communications and invitations for country visits. Were there any countries that would particularly benefit from a visit from the Working Group? Noting that the term "Afrophobia" was not recognized in the international legal framework or mentioned in the Durban Declaration and Programme of Action, he asked what differentiated that phenomenon from racial discrimination against people of African descent.

20. **Ms. Mansouri** (Algeria) said that poverty was both a cause and a consequence of discrimination. Marginalization, economic disparities and social exclusion were common injustices affecting the poor

living in the least developed societies. States should ensure that their development and cooperation policies reflected their responsibilities, including the duty to provide justice for people of African descent, who frequently suffered from the direct consequences of slavery, colonialism and underdevelopment. It was regrettable that the programmes and discourse of some political parties and organizations in developed countries incited and maintained racist practices that posed a direct threat to the enjoyment of human rights by people of African descent. Existing instrument should be improved in order to better combat the many contemporary forms and manifestations of racism and thereby enhance implementation of the Durban Declaration and Programme of Action.

21. *Ms. Kupradze (Georgia), Vice-Chair, took the Chair.*

22. **Mr. Ríos Sánchez** (Mexico) said that in March 2015 his Government had announced its plan for the implementation of the Decade, which included constitutional recognition for people of African descent, educational measures on equality and non-discrimination, the collection of statistical data to identify people of African descent, capacity-building within the justice system and the development of guidelines for the inclusion of content relating to the historical and contemporary Afro-Mexican population in school textbooks. His delegation would continue to participate in the efforts of the Working Group. He asked the Chair of the Working Group to share her views on regional processes for the implementation of the Decade, in particular with regard to the expected outcomes and the priorities that States should take into consideration in their discussions.

23. **Ms. Smaila** (Nigeria) said that Nigeria welcomed the Working Group's decision to collaborate with the Committee on the Elimination of Racial Discrimination. The Decade provided an opportunity to take stock of the progress that had been made in improving the situation of people of African descent and to make recommendations regarding the way forward. The implementation of a rights-based approach to development should include the establishment of the necessary conditions to properly assess the development needs of people of African descent.

24. Nigeria insisted that the political, economic, social and cultural rights of people of African descent should be upheld at all times. It also entirely rejected the discredited, stereotype-driven notion that communicable and sexually transmitted diseases were responsible for the high morbidity and mortality rates among people of African descent. Her delegation reiterated its support for reparation and the right to development, in accordance with the Durban Declaration and Programme of Action, and called on States to repair the damage inflicted by the transatlantic slave trade, enslavement, colonialism and the exploitation of natural resources. She also urged States to make greater collective efforts to eradicate racism, racial discrimination, xenophobia and related intolerance.

25. **Ms. Mbalia Eyenga** (Cameroon), reiterating her delegation's support for the mandate of the Working Group, requested further information concerning the recommendations it had made to the Human Rights Council. She also asked what the approach to the issue of reparation should be, given that some States had not yet recognized the transatlantic slave trade, enslavement and colonialism as crimes against humanity. Lastly, she asked the Chair of the Working Group to discuss her vision for the Forum for People of African Descent.

26. **Ms. Fanon Mendès-France** (Chair of the Working Group of Experts on People of African Descent) said that the Working Group received communications concerning allegations relating to issues of justice, development and visibility affecting people of African descent. Ideally the Working Group would be able to visit every country concerned, but that was not always possible. Following up on country visits was a priority, as it was important to verify whether or not the recommendations made by the Working Group had been acted upon, for the purpose of developing best practices.

27. The term "racial discrimination" related to all victims of the concept that one race was superior to another, while "Afrophobia" related specifically to people of African origin, whether they were living on the African continent or in the diaspora. The term had originated with civil society and had been adopted by the Working Group to mark that distinction. There was no doubt that people of African descent were viewed through a distorting prism in host countries and countries that had been involved in the slave trade, enslavement and colonialism.

28. The Working Group had made a large number of recommendations to the Human Rights Council on issues such as employment, the perception of development in Africa and the links between the African continent and the diaspora. As a result of historical injustices, the global economy had a particular view of Africa, and the national economies of some countries had a particular view of people of African descent, which resulted in development challenges and underdevelopment. The recommendations therefore included a call for States to recognize and take responsibility for the impact of slavery, the slave trade and colonialism.

29. Reparation was not necessarily financial; it was an element of recognition, one of the three themes of the Decade. Reparation should be viewed in the light of the 1950 statement by the United Nations Educational, Scientific and Cultural Organization, entitled "The Race Question", which established that the concept of race, as understood in popular usage, was a myth. Facing up to history and allowing true accounts to be established was a form of reparation. It was also extremely important for States to take responsibility for the slave trade, enslavement and colonialism and to recognize that those were unique, exceptional phenomena. Misrepresentation or avoidance of the subject was not an appropriate response.

30. The Forum for People of African Descent should be permanent, as it would not be possible to eradicate a phenomenon that had plagued the world for centuries in ten years. It would be regrettable if the work of the Forum were limited to implementing a range of activities; the aim should be for actions to build an alternative discourse on racism and racial discrimination against people of African descent. In that regard, the Forum should carry out a methodological, analytical stocktaking exercise part way through the Decade to determine which actions should continue. Regional conferences would also provide an opportunity to reflect on the methodology for the Decade and the political will that was in evidence.

31. **Ms. Karska** (Chair-Rapporteur of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination), introducing the report of the Working Group (A/70/330), said that it was critical for the Working Group to examine the concept of mercenarism in order to explore how its mandate might be relevant to evolving contexts. The report therefore focused on the phenomena of foreign fighters, a contemporary form of mercenarism that had risen rapidly and unexpectedly and that had implications for human rights, including the right to self-determination. The report provided guidance to help Member States address the issue of foreign fighters, in particular as it related to human rights. The involvement of the Working Group would help to shed light on the motivations of foreign fighters and could also contribute to the creation of another layer of accountability by enabling the International Convention against the Recruitment, Use, Financing and Training of Mercenaries to be invoked in relation to foreign fighters.

32. She drew attention to paragraphs 13, 24, 25, 26 and 89 of the report, which discussed the definition, motivations and recruitment practices of foreign fighters, as well as paragraph 34 concerning the Working Group's visit to Tunisia.

33. Since the publication of the report, the Working Group had also made a country visit to Belgium. Since 2010, around 500 Belgians had become foreign fighters, in three main waves. The first wave had been linked to the group Sharia4Belgium. A second wave of fighters had departed in 2012 as a result of peer recruitment. Since 2014, most had been recruited by paid recruiters using informal networks and social media. Belgian foreign fighters had an average age of 23 and included an increasing number of women. Their motivations included religious conviction, humanitarian concerns, the search for a sense of belonging and acceptance, livelihood prospects, a desire to escape the consequences of a criminal background and the search for adventure.

34. Given the complex political context, socioeconomic disparities and the broad variety of actors and initiatives dealing with the issue of foreign fighters in the country, the Working Group had recommended that Belgium should ensure effective collaboration between actors and strengthen its national strategic plan by making it more integrated, ensuring the broadest possible participation and taking into account multidisciplinary research and analysis. The plan should also clearly establish the roles of the parties involved, adopt a human rights-based approach and ensure the inclusion of affected communities.

35. There was evidence that foreign fighters were responsible for numerous violations of human rights and international humanitarian law, including by undermining the efforts of armed opposition groups to claim the right of peoples to self-determination. She drew attention to the similarities between foreign fighters and mercenaries, as set out in paragraphs 13, 14, 15 and 88 of the report, and the recommendations for States concerning preventive and punitive measures to deal with the issue of foreign fighters contained in paragraphs 95 and 96.

36. **Ms. Moutchou** (Morocco) said that her delegation welcomed the theme of the report. She asked the Chair-Rapporteur to discuss the importance of enhancing measures and international cooperation on border controls. Morocco was of the view that the increased criminal and terrorist threat, in combination with the activities of international criminal networks, made border security essential. The approach to border security should be global, include the political, social, economic, security and legislative dimensions and promote active, supportive and coordinated cooperation at the international and regional levels.

37. **Ms. Moreno Guerra** (Cuba) asked the Chair-Rapporteur to elaborate on the need to address impunity and ensure accountability for serious violations of human rights and international humanitarian law. In particular, she wished to know how States could ensure effective trials and reparation for victims and what the challenges were in that regard.

38. **Mr. de Bustamante** (Observer for the European Union) said that the mandate of the Working Group concerned mercenaries as defined by the United Nations. The European Union had previously expressed concern about the Working Group's examination of private military and security companies, which was bound to lead to confusion. It had similar strong reservations about the Working Group's attempt to further extend its mandate to include the activities of foreign fighters. While there were some similarities between mercenaries and foreign fighters, they were by no means sufficient to justify the change in the Working Group's mandate. The continuing lack of conceptual clarity was deeply regrettable.

39. The European Union shared the concerns expressed in the report with regard to the negative impact of mercenary-related activities and was concerned about the potential links between mercenaries and terrorism. Focusing its work on mercenaries would allow the Working Group to provide a clearer framework for tackling the problem. He asked how the conclusions of the report furthered the collective understanding of the use of mercenaries, as opposed to foreign fighters, as a means of violating human rights and impeding the rights of peoples to self-determination.

40. **Ms. Frankinet** (Belgium) said that 400 persons living in Belgium had left the country to join the ranks of Islamic State in Iraq and the Levant (ISIL) in the Syrian Arab Republic. The Belgian Government planned to respond with a combination of preventive and coercive measures, which would all be in full compliance with its national and international human rights commitments.

41. The Working Group, having met with a wide range of Belgian officials and civil society organizations, had been given a thorough insight into the preventive efforts that were being made to effectively respond to the relatively high number of foreign fighters originating in Belgium. There was no single answer to the question of foreign fighters, as the nature of the phenomenon could vary substantially between countries or even within a single country. Foreign fighters from Belgium did not fit a single profile; they came from a variety of situations and had various motivations.

42. On the basis of data analysis and consultations with national and international experts, the authorities had determined to make the most of the governance structure of Belgium to ensure an individual response to each case. The general approach at the federal level was based on information-sharing, awareness-raising, action to combat radicalization in prisons and measures to create a more inclusive society. Authorities at the regional, community and, most importantly, local levels had received significant additional support and had been included in the network for the sharing of information and best practices to enable them to respond most appropriately to each case, whether it involved a potential fighter or one who had returned to Belgium.

43. Based on its experience, Belgium took the view that there was a fundamental difference between the legal and coercive measures needed to tackle the problem of mercenaries and the holistic approach

required to deal with the issue of foreign fighters. It therefore encouraged the Working Group to take into account the fact that blurring the lines between foreign fighters and mercenaries would not help the international community address those two distinct phenomena.

44. **Ms. Karska** (Chair-Rapporteur of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination) said that it was difficult to develop effective recommendations for dealing with the complex issue of border control, as the challenges varied by region. Nevertheless, the Working Group was gathering information during its country visits that would help it develop recommendations on preventing the cross-border flow of foreign fighters. Information exchange between States could help improve border control. Legislative measures should be taken as a first step.

45. Combating impunity for serious human rights violations, in particular by ensuring effective prosecution and reparation, was the most important area for future recommendations. The issue of effective prosecution and reparation for victims was a key part of the element of the mandate relating to the planned international convention on private military and security companies. The Working Group recommended that States should cooperate and collaborate on criminal matters as well as civil matters, giving particular attention to the issue of effective prosecution and reparation in cases involving the activities of private military and security companies.

46. As clearly stated in Commission on Human Rights resolution 2005/2, the mandate of the Working Group covered mercenaries, mercenary-related activities and private military and security companies. She therefore did not believe that the Working Group was in any way extending its mandate by examining those themes. Furthermore, most foreign fighters, in particular those with financial motives, fell under the definition of mercenaries as defined by the first Protocol Additional to the Geneva Conventions, the Organization of African Unity Convention for the Elimination of Mercenarism in Africa, and the International Convention against the Recruitment, Use, Financing and Training of Mercenaries. Thus, by examining the negative impact of the activities of foreign fighters on human rights, in particular the right of peoples to self-determination, the Working Group was not extending its mandate but rather fulfilling it by examining new forms of mercenarism and mercenary-related activities.

47. She thanked Belgium for its openness to receiving a country visit. The Working Group had met with officials at various levels of Government, representatives of civil society, family members of foreign fighters and the Council of Europe rapporteur on foreign fighters in Syria. She fully supported the comments by Belgium regarding the varied profiles of foreign fighters and the efforts of the Belgian Government. The country visit by the Working Group, in combination with a visit to Tunisia and one to Ukraine in 2016, would contribute to its understanding of regional differences among foreign fighters.

48. **Mr. Ruteere** (Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance) said that he had presented three reports to the Human Rights Council in 2015: a thematic report on racial and ethnic profiling in law enforcement; a report following his mission to the Republic of Korea in September and October 2014; and a report on the implementation of General Assembly resolution 69/160 on combating glorification of Nazism, neo-Nazism and other practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance. He had also conducted a country visit to Greece, and the Governments of the Argentina and Australia had accepted his requests for visits in 2016. He encouraged all concerned Governments to reply positively to the pending requests for invitations for country visits.

49. In his report A/70/335, he examined the importance of collecting disaggregated ethnic data as a means to tackle discrimination and inequality. There was a disappointing lack of disaggregated data collection, despite the extensive body of legal provisions and recommendations on the matter, which had led to a serious information gap. There was also an alarming lack of hate crime statistics, which could be partly explained by underreporting and a lack of awareness on the part of authorities.

50. The 2030 Agenda for Sustainable Development called for the collection of disaggregated data in order to promote non-discrimination, and the insufficient use of disaggregated data in the implementation of the Millennium Development Goals had in many cases led

to inefficiency and a failure to recognize inequalities within societies. The discussions on how to measure achievements under the 2030 Agenda should, therefore, be marked by a strong commitment to adopt indicators that would identify discrimination. The collection of data disaggregated by ethnicity on economic, social, cultural, civil and political indicators was necessary in order to identify patterns of discrimination and to increase the visibility of groups that experienced discrimination. Data were also crucial for evaluating the impact of existing measures and developing adequate policies to address the situation of vulnerable groups. Disaggregated data could also improve access to justice for victims of discriminatory practices, as individual cases were often difficult to substantiate, and help detect racial discrimination in the administration of justice.

51. The collection of data disaggregated by ethnicity was a prerequisite to the fulfilment of States' obligation to effectively ensure equality and the universal realization of human rights. Thus, while there was no explicit international obligation to collect ethnic data, there was a strong mandate to do so under the human rights legal framework. Furthermore, the right to be free from discrimination included the right to access information that could serve as evidence of discrimination, which might include ethnic data. Access to adequate and accurate information could also empower marginalized groups and, consequently, have a positive impact on the enjoyment of their other rights.

52. He fully acknowledged fears that the collection of ethnic data could violate the right to privacy, increase the vulnerability of certain groups, lead to a revival of tensions in some sociopolitical contexts or be used to commit further human rights abuses. States might also lack the necessary resources to collect such data or fear that doing so would reveal the inefficiency of measures they had taken or lead to the allocation of additional resources to anti-discrimination efforts. However, those issues could be overcome if certain strict human rights rules and the international legal framework were observed by States and data collection bodies. Data should be collected in line with appropriate legal safeguards and analysed and interpreted by independent entities integrating a human rights perspective. Moreover, disaggregation should reflect only internationally agreed prohibited grounds of discrimination. He called on Member States to seek or provide appropriate technical and financial assistance in line with the commitment in Sustainable Development Goal 17 to support statistical capacity-building in developing countries.

53. Turning to his report on the implementation of General Assembly resolution 69/160 (A/70/321), he thanked the nine States and five non-governmental organizations that had submitted their contributions. The report reiterated the universality of human rights and the democratic challenges posed by extremist political parties. All States should denounce and prohibit any commemorative celebration of the Nazi regime and its crimes against humanity. He strongly condemned all forms of Holocaust denial and all manifestations of religious or ethnic intolerance and reiterated his call for Member States to ensure that they had the necessary legislation in place to combat racism, particularly in view of increasingly open hate speech and incitement to violence, and to implement their obligations under article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination and articles 19 to 22 of the International Covenant on Civil and Political Rights.

54. **Ms. Martins Yassine** (Brazil) said that the collection, analysis and dissemination of disaggregated data concerning victims of racism, racial discrimination and related forms of intolerance were an important commitment undertaken by States in the Durban Declaration and Programme of Action and an essential tool for the development of better policies to promote racial equality. Disaggregated data could shed light on situations of multiple and aggravated discrimination and provide a better understanding of indirect patterns of discrimination, which were usually difficult to identify and combat.

55. Concerns that data collection could facilitate the selective violation of human rights, as it had in the Holocaust and the Rwandan genocide, should be addressed by reinforcing human rights safeguards rather than by foregoing the collection of disaggregated data. Data collection should always be voluntary, confidential and based on self-identification, and the results should be used only for the protection of vulnerable groups. Improving social control, accountability and transparency in the collection, analysis and management of disaggregated data could help to ensure that it was properly handled. In that connection, she asked the Special Rapporteur to elaborate on how international cooperation could

contribute to the proper collection, analysis and dissemination of disaggregated data, including in the context of the International Decade for People of African Descent and the 2030 Agenda.

56. **Ms. Moutchou** (Morocco) said that times of crisis provided a fertile environment for hate speech. The permissive attitude to hate speech adopted by politicians in some countries was contributing to the normalization of the extremist discourse that undermined the foundation of democracy. To address that issue, it was important to document all racially-motivated crimes. National human rights institutions could play an important role in that regard. Furthermore, school curriculums should include human rights education and training, as education was a valuable weapon in efforts to combat the negative influence that extremist parties, movements and groups could have on youth. It was also crucial to use sport to instil essential values such as tolerance.

57. The Internet and social media also had an important role to play in addressing racism and the propagation of xenophobic ideas. In that regard, she asked how States could effectively and sustainably combat the dissemination of racist ideas via virtual platforms.

58. **Mr. de Bustamante** (Observer for the European Union) said that the European Union recognized the benefits of collecting data disaggregated by ethnicity and asked how the issue of national laws forbidding it could be addressed. He would also be interested to hear how new follow-up and review mechanisms related to the Sustainable Development Goals could contribute to addressing racism and discrimination. Noting that an increasing number of victims of xenophobic and racially-motivated discrimination were transient, he asked how States could best protect the rights of groups such as Roma people, travellers, migrants and refugees, who were outside of national systems or moved between countries.

59. **Mr. Cepeda** (Mexico) said that Mexicans were able to self-identify as indigenous or as being of African descent in population censuses and that his Government was working to improve the inclusion of people of African descent. He asked what minimum elements should be included in institutional mechanisms and frameworks for the collection of disaggregated personal data. He was also interested to hear what his country, which would find it challenging to systematically collect disaggregated data, could do as a first step towards achieving that objective.

60. **Mr. Lukiyantsev** (Russian Federation) said that the seriousness of the issue of Nazism, neo-Nazism and similar practices had not improved in the ten years since the adoption of the first United Nations resolution on the matter. The adoption of the resolution and the presentation of the Special Rapporteur's report in 2015 were of particular significance, as that year marked the seventieth anniversary of the victory over Nazism in the Second World War and the establishment of the Nuremberg Tribunal: events which had led to the creation of the United Nations and the current international human rights system. He thanked Cameroon for highlighting the connection between those historic events and the current need to combat racism. He concluded by reiterating the Russian Federation's willingness to continue supporting the Special Rapporteur in his efforts to combat racism, racial discrimination, xenophobia and related intolerance.

61. **Mr. Sargsyan** (Armenia) said that racism, intolerance, xenophobia and rejection and vilification of "the other" had led to mass human rights atrocities and crimes against humanity. Having experienced genocide, Armenia was deeply sensitive to the present realities underpinning the urgent international effort against growing anti-Semitism, Islamophobia and Christianophobia; the spread of racism, xenophobia and intolerance worldwide; and the penetration of those phenomena into society and mainstream politics. States bore the ultimate responsibility to address the various forms of racism and discrimination by promoting human rights, tolerance, respect for diversity and reconciliation. However, if a particular Government was unwilling or able to do so, or was actually instigating racism or discrimination, the international community must intervene in order to prevent potential atrocities.

62. "Armenophobia" had in some respects intensified over the past year, as a neighbouring Head of State continued to instigate hate speech and vilification via claims that Armenia was a fascist State and threats to "win back" Armenian territory. The Head of another State, where banners celebrating the hundredth anniversary of the Armenian genocide had been seen, had declared that being referred to as Armenian was an insult.

63. Denial was a form of racism, and the denial of genocide, which was the ultimate manifestation of racism, was the final stage of genocide. Denying States the right to exist was another extreme form of racism. He called on the international community, including special mandate holders, to heed the early warning signs of racial discrimination and the dissemination of hatred by political leaders in the region. He commended the efforts of civil society organizations in certain neighbouring countries to denounce racism and discrimination and bring about reconciliation in the face of repression, intimidations and reprisals. Civil society action at the national and international levels, increased media independence and educational efforts were essential in order to ensure peaceful coexistence and tolerance.

64. He asked the Special Rapporteur whether he had taken any steps to detect and identify cases of racism in the countries surrounding Armenia. He also wished to know how tools and policies, including early warning mechanisms, could be further strengthened and applied at the national and international levels in order to eradicate racism as part of the implementation of the 2030 Agenda.

65. **Ms. Smaila** (Nigeria) said that the growing involvement of young people in acts of racism, racial discrimination, xenophobia and related intolerance in various parts of the world gave cause for concern. She asked the Special Rapporteur to discuss the best practices in the area of education that could be used to combat that phenomenon.

66. It was regrettable that, despite the concerted efforts of the international community, racism, racial discrimination, xenophobia and related intolerance remained major challenges and were taking on new forms in some parts of the world. One of the most insidious of those was racial profiling, which was applied disproportionately to people of African descent. Nigeria strongly condemned racial profiling, whether or not it was officially sanctioned, and called on Governments to take firm steps to eradicate it.

67. She concluded by reiterating her country's commitment to the Durban Declaration and Programme of Action and called on States to redouble their efforts to raise awareness of the evils of racial discrimination among all sectors of society.

68. **Mr. Uğurluoğlu** (Turkey) said that the Turkish Constitution was based on the equality of all individuals. Successfully combating all forms and manifestations of intolerance and discrimination would require joint efforts at the national, regional and international levels.

69. Responding to the comments from Armenia, he said that Turkey did not deny the suffering that had taken place across Europe, including in the Balkans, during the First World War. However, it did oppose the portrayal of those events as genocide. The period, which was the subject of academic debate, should be addressed through an impartial examination of historical records in order to ensure that the proper lessons were drawn and a true account established. The parties should aim to forge a shared memory rather than seek to perpetuate one-sided narratives.

70. **Ms. Butts** (United States of America) said that the use of disaggregated data was essential for combating racial discrimination. The United States had experience in that area and would readily make available any of its models that might be of use to other States.

71. **Mr. Ruteere** (Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance) said that he had already produced reports on education, sport and the Internet. Disaggregated data was valuable because it not only provided insight into who was entering the education system or had access to the Internet but also informed decisions in those areas. Education had the ability to strengthen the capacity of historically marginalized groups to resist discrimination and could provide those groups with the necessary tools for social mobility. However, racism and racial discrimination within educational institutions and on the Internet continued to give serious cause for concern. Further research was needed to determine how best to combat racism and racial discrimination in education and online, analyse the effectiveness of those channels in combating racism and discrimination, and determine who had access to them and who was being left behind.

72. There were creative ways to overcome the challenges posed by legislation prohibiting the collection of disaggregated data by the State. In some countries, independent research centres or universities were able to collect and analyse such data and make it available to Governments for the purposes of policymaking.

73. A key element of his mandate was focusing on specific groups that experienced discrimination, including people of African descent and the Roma. With regard to mobile groups, it might be useful to focus on the development of regional mechanisms, rather than domestic ones, as the European Union had done in its efforts to address the exclusion of the Roma.

74. With regard to international cooperation on racism and data collection, the discussions on the Sustainable Development Goals provided an opportunity to integrate human rights within the social development agenda. The Committee was well placed to promote efforts in that regard.

75. Many of the issues that had been mentioned were ones that he was observing. He would continue to focus on all parts of the world through reports, communications and country visits. His mandate would be further strengthened if Member States actively cooperated with requests for country visits.

76. Early warning was extremely important: in the past, the exclusion of a significant portion of the population had resulted in genocide, conflict and civil war. The collection of disaggregated data provided an opportunity to prevent such situations by identifying at an early stage those who might be left behind.

The meeting rose at 12.25 p.m.